



#29/E 38  
10/4/01 PATENT  
Docket No. 30807200011  
Client Ref. ARC 088 DIV

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TECH CENTER 1600/2900

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Tamara Alcaraz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

David W. SCOTT and  
Elias T. ZAMBIDIS

Serial No.: 09/160,076

Filing Date: September 24, 1998

For: TOLEROGENIC FUSION PROTEINS  
OF IMMUNOGLOBULINS AND  
METHODS FOR INDUCING AND  
MAINTAINING TOLERANCE

Examiner: M.Wilson

Group Art Unit: 1633

Box RCE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This response accompanies a Request for Continued Examination. A final office action was mailed on December 20, 2000 (Paper No. 19). An Amendment and a Notice of Appeal were filed on May 21, 2001, setting the time for filing an Appeal Brief to expire on July 21, 2001. A two-month extension of time is requested to extend the time for filing an Appeal Brief to

O P E  
SEP 21 2001

89-2481  
RCE/16338  
PTO/SB/30 (08-00)  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/160,076
Filing Date	September 24, 1998
First Named Inventor	David W. SCOTT
Group Art Unit	1633
Examiner Name	M. Wilson
Attorney Docket No.	308072000110

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10/4/2001  
160/2900  
2001  
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This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

### 1. Submission required under 37 C.F.R. § 1.114

- a.  Previously submitted
- Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \*  
*(Any unentered amendment(s) referred to above will be entered)*
  - Consider the arguments in the Appeal Brief or Reply Brief previously filed on \*
  - Other:
- b.  Enclosed
- Amendment/Reply (17 pages)
  - Affidavit(s)/Declaration(s) (5 pages)
  - Information Disclosure Statement (IDS)
  - Other: Exhibits A-E (24 pages)

### 2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.1039c for a period of \* months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b.  Other:

### 3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952. (308072000110)
- RCE fee required under 37 C.F.R. § 1.17(e)
  - Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - Other:
- b.  Check in the amount of \$\* enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

09/25/2001 SSESHE1 00000098 031952 09160076  
01 FC:279 355.00 CH

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Paul S. Naik for Gladys Monroy	Registration No.	P-49,075 32,430
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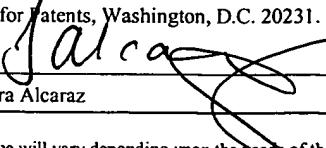
Signature  Date September 21, 2001

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Tamara Alcaraz

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# FEE TRANSMITTAL FOR FY 2001



Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$550.00)

Complete if Known	
Application Number	09/160,076
Filing Date	September 21, 2001
First Named Inventor	David W. SCOTT
Examiner Name	M. Wilson
Group Art Unit	1633

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SEP 21 2001

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## METHOD OF PAYMENT

- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-1952**Deposit Account Name **Morrison & Foerster LLP** Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.272.  Payment Enclosed: Check  Credit Card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	195.00
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	355.00
169	900	169	900	Request for expedited examination of a design application	

SUBTOTAL (1) **(\$0)**SUBTOTAL (2) **(\$0)**

## 2. EXTRA CLAIM FEES

Total Claims	46	- 46 =	0	Extra Claims	Fee from below	Fee Paid
Independent Claims	4	- 4 =	0	x	9	= \$0
Multiple Dependent				x	40	= \$0
					= \$	
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	
103	18	203	9	Claims in excess of 20		
102	80	202	40	Independent claims in excess of 3		
104	270	204	135	Multiple dependent claims, if not paid		
109	80	209	40	**Reissue independent claims over original patent		
110	18	210	9	**Reissue claims in excess of 20 and over original patent		

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$550.00)

SUBMITTED BY

Name (Print/Type)	Paul S. Naik for Gladys Monroe	Registration No. (Attorney/Agent)	P-49,075 32,430	Telephone	650-813-5711
Signature				Date	September 21, 2001

Complete (if applicable)

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